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**From:** William Hayes [wrhayes3@gmail.com]

**Sent:** Monday, February 25, 2013 9:03 PM

**Subject:** Regarding Bill 8 (2013) Loophole

Aloha Council Members,

As a resident of the Kailua Beach Park neighborhood, I greatly appreciate the work that the City Council has done addressing issues regarding public safety, traffic and the general lawlessness brought on by the unexpected tsunami of unregulated and often illegal commercial activity in and around the Beach Park.

Although the improvements are measurable, I still see at least one commercial tour drop off inside the Beach Park almost everyday. Sometimes I'll ask the tour bus driver if they thought what they are doing was legal. Most of the time they say yes because [enter loophole]. The need for clear and enforceable laws is obvious to avoid clever interpretation and exploitation by those who continue to operate illegally in the area.

If the intent of Bill 8 (2013) is only to change the rules to allow me to legally walk my leashed dog through the Beach Park to access the shoreline, I am in favor of Bill 8. However, as written, Bill 8 contains a loophole which will dismantle the intent of Bill 5 and Bill 11.

The problem lies in Section 3, Subsection A-12...

Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed[;], except that a **person** may traverse a public beach park even during the nighttime hours when the park is closed for purposes of reaching the shoreline

The US Code defines "person" as follows (at Title 1, Chapter 1, ¶1): "The words person ... include(s) corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals"

Careful wording is needed to avoid unintended consequences. Laws which make certain exceptions for "persons" will, in almost all instances, include business organizations such as partnerships, corporations or associations. Therefore, It makes sense to change the proposed language in Bill 8 (2013) Section 3, Subsection A-12 by replacing the the he vague and ambiguous "Persons" with the phrase "individuals for noncommercial purposes only"

Thank you for your time and consideration!

William R Hayes, III  
Kailua Resident / Local Small Business Owner